



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/816,524 | 04/01/2004 | Hubert Schalk | 4100-339 | 9895 |
| 27799 | 7590 | 04/04/2005 | EXAMINER | |
| COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176 | | | DESAI, HEMANT | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3721 | |

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,524

Applicant(s)

SCHALK, HUBERT

Examiner

Hemant M Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/1/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 5852146).

Japanese Patent ('146) discloses a folding device comprising a folding drum (12, fig. 1), a folding-blade shaft (95, fig. 4) having two ends, the folding-blade shaft being rotatably mounted at each of the two ends in the folding drum, the folding-blade shaft (95) having at least two folding-blade carriers for holding folding blades (see fig. 4), a pair of bearings (97, 98, fig. 4) arranged in the folding drum, the ends of the folding blade shaft being mounted respectively in the folding drum by the pair of bearings, and at least one further bearing (96, fig. 4) arranged in the folding drum between the pair of bearings, wherein the folding-blade shaft is further rotatably supported in the at least one further bearing (96) between the ends of the folding-blade shaft, which meets all the claimed limitations.

Regarding claim 2, the at least one further bearing (96) is arranged between adjacent ones of the at least two folding-blade carriers.

Regarding claim 3, the roller bearings are self-aligning roller bearings.

Art Unit: 3721

Regarding claim 6, the folding device comprises a drive pinion (101, fig. 4) arranged on the folding blade shaft (95).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent (5852146) in view of Ryser (6527029).

Japanese Patent, as mentioned above, discloses all the claimed limitations, except for central lubricating system to supply lubricating medium to the bearings. However Ryser, teaches to provide the central lubrication system (32, fig. 5) to lubricate the bearings (31, fig. 5) of the driving shaft (see col. 3, lines 46- 60). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to having provided the central lubrication system as taught by Ryser in the folding device of Japanese Patent ('146) to lubricate the bearings of folding blade shaft.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 5852146).

Japanese Patent ('146), as mentioned above, discloses that the two folding blades (99) spaced apart from one other (see fig. 4). Japanese Patent ('146) does not disclose expressly that the folding blades are spaced apart from one another by a distance smaller than 10 millimeters.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to space the folding blades apart by 10 millimeters because Applicant has not disclosed that by providing 10 millimeters of space between two folding blades provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the folding blade spaced apart as taught by Japanese Patent ('146) or the claimed folding blades spaced apart 10 millimeters because both folding blades with spacing of 10 millimeters or the spacing taught by Japanese Patent perform the same function of creating fold in the product.

Therefore, It would have been an obvious matter of design choice to modify Japanese Patent to provide a 10 millimeters spacing in order to creating fold in the product.

Allowable Subject Matter

6. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3721

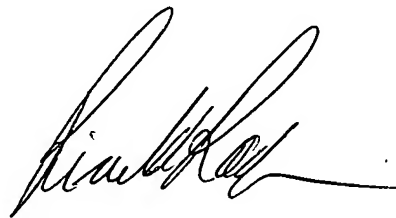
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5:30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant M Desai
Examiner
Art Unit 3721

HMD



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700